

CHARTER TOWNSHIP OF WHITE LAKE
DRAFT Minutes of the Regular Board of Trustees Meeting
October 17, 2023

CALL TO ORDER

Supervisor Kowall called the meeting to order at 7:00 P.M. He let the audience know the public hearing for the Corridor Improvement Authority scheduled for this evening would be postponed to Tuesday, November 28th at 6:00 P.M.

He then led the Pledge of Allegiance.

ROLL CALL

Clerk Noble called the Roll:

Present:

Rik Kowall, Supervisor
Mike Roman, Treasurer
Anthony L. Noble, Clerk
Scott Ruggles, Trustee
Liz Smith, Trustee
Andrea Voorheis, Trustee

Absent:

Michael Powell, Trustee

Also Present:

Sean O'Neil, Community Development Director
John Holland, Fire Chief
Lisa Hamameh, Township Attorney
Hannah Micallef, Recording Secretary

APPROVAL OF AGENDA

**It was MOVED by Clerk Noble, seconded by Treasurer Roman to approve the agenda as presented.
The motion carried with a voice vote: (6 yes votes).**

PUBLIC COMMENT

Mary Marcheski, was present to give information about Oakland Community College, Highland Lakes Campus. She was a part of a group, Citizens Action Team. The group was working to keep the OCC Campus within the community and to repurpose it for community recreation.

Joe Marcheski, said the group was partnering with Waterford and other surrounding communities to involve Waterford, Walled Lake, West Bloomfield and White Lake to further their cause.

CONSENT AGENDA

- A. REVENUE AND EXPENSES
- B. CHECK DISBURSEMENTS
- C. BUDGET AMENDMENTS
- D. DEPARTMENT REPORT – POLICE
- E. DEPARTMENT REPORT – FIRE
- F. DEPARTMENT REPORT – COMMUNITY DEVELOPMENT
- G. DEPARTMENT REPORT – TREASURER

It was **MOVED** by Trustee Ruggles, seconded by Trustee Voorheis, to approve the consent agenda as presented. The motion carried with a voice vote: (6 yes votes).

MINUTES

- A. APPROVAL OF MINUTES - SPECIAL BOARD MEETING, SEPTEMBER 19, 2023
- B. APPROVAL OF MINUTES - REGULAR BOARD MEETING, SEPTEMBER 19, 2023
- C. APPROVAL OF MINUTES - SPECIAL BOARD MEETING, SEPTEMBER 26, 2023

It was **MOVED** by Supervisor Kowall, seconded by Clerk Noble, to approve the special board meeting minutes of September 19, 2023, the regular board meeting minutes of September 19, 2023 and the special board meeting minutes of September 26, 2023 as presented. The motion carried with a voice vote: (6 yes votes).

NEW BUSINESS

- A. REQUEST FOR SITE PLAN EXTENSION – AVALON

Director O'Neil said the Avalon project received preliminary site plan approximately a year ago. The developer was looking for a one-year site plan extension, which Director O'Neil did not find uncommon due to the state of the economic climate. The developer also ran into engineering obstacles on which he worked with the Supervisor's office to communicate with the school district to obtain easements. The Community Development Department supported the developer's request. He said the developer was also looking to amend the west side of his site plan, by reducing the units by 28 of the apartment units. The result would be a 7% overall unit reduction. A ranch product would be replacing the stacked product. The Community Development Department did not have an issue with the reduction, and was okay with the amendment being addressed during the final site plan review. The modified, reduced plan had not been reviewed by the Department yet.

Jim Galbraith, developer, said he was working with Meijer regarding some of the water issues. He was looking for a one-year extension to continuing through the process of final engineering, final site plan and the planned development agreement. The amendment to the site plan by replacing the two-story units with ranch units was market driven.

Supervisor Kowall said a lot of work had gone into the site plan, and applauded the reduction of density.

Trustee Ruggles said he did not find an issue with the extension request, and added that a lot of plans had been coming back to the Planning Commission and Township Board seeking extensions due to the economic climate.

Treasurer Roman thanked Mr. Galbraith for being present and sympathized with the economic issues in the construction industry right now. He added that the Avalon project was a big piece of the Corridor Improvement Authority.

Clerk Noble said he was in favor of the extension as well, and appreciated the way Mr. Galbraith had worked with the Board.

Trustee Smith asked Mr. Galbraith the final number of residential units proposed.

Mr. Galbraith said he was proposing 210 ranch units in lieu of 178 ranch units; there would be a gain of 32 ranch units. The stacked apartment units were reduced from 216 units to 156 units, which totaled a decrease of 60 units. In total, the overall unit count would be decreased by 28 units. There was a potential of reducing units further once the engineering design process began.

Trustee Smith said she was not in favor of the project overall, but understood the economic need for the extension and did not have a problem approving Mr. Galbraith's extension request.

It was MOVED by Trustee Ruggles, seconded by Clerk Noble, to approve the request from the Avalon project for a one-year preliminary site plan extension. The motion carried with a voice vote: (6 yes votes).

B. REQUEST FOR BOND EXTENSION - CARTER'S PLUMBING

Director O'Neil said Community Development does not usually take performance guarantees, but this was done and approved by the Township Board so the property owner could work to bring the site to current standards. The Township Board granted Carter's Plumbing an 18-month approval and a performance guarantee was collected. Director O'Neil spoke with DLZ and Carter's, and it was agreed upon that the majority of site work would be completed within the next three weeks, except for the landscaping. The applicant was looking for a six-month extension request to be able to complete the landscaping portion of the performance guarantee. The performance guarantee would expire in January of 2024; Carter's was being proactive with their request this evening. The Community Development Department did not have any objections to the request. It would be better for Carter's to hold off landscaping now and finish landscaping when the weather conditions improved in the spring. The performance guarantee would remain in place so the Township would have more than adequate funds on hand to cover the landscape planting.

Supervisor Kowall said the work being done to the site was exemplary, and the building looked great. He spoke in favor of granting the extension.

Trustee Voorheis thanked the developer for improving the building, and spoke in favor of the bond extension.

Trustee Smith said she pulled the July 19, 2022 meeting minutes and still stands by her comments previously made to Mr. Carter. She spoke of her concerns with the disturbance of the site affecting the Huron River Watershed. She believed that although Mr. Carter was not fully responsible, the damage to the drain system to the Huron River Watershed affect aqua life, did kill fish, and put fish into M-59. She added that she believed the damage was significant, and the toxicity that was potentially put into Oxbow Lake was significant. She indicated Mr. Carter's actions caused damage to the environment and the water and she is hoping that Mr. Carter was doing what was promised and was not harming the environment further. She also stated she wished to be clear with the Community Development Director, Mr. O'Neil, that the EGLE covenant from Oscar Larson is going to be followed to a T.

Director O'Neil said the Township was not involved with the covenant, and the developer had obtained a due care plan prepared by an environmental care firm. The due care plan was prepared for the State, and while the Township received a copy of the plan, the Township did not play a role in it. The remediation work being done now was a result of the State requiring the contaminated soils to be tested, removed, and disposed of properly. As a result of the State getting involved, the developer responded by hiring an environmental consultant, getting the due care plan approved by the State, and bringing the site plan up to standard, which included remediating the contamination.

Trustee Smith was okay with the state's participation, but wanted to be super clear if the extension was based on landscaping, the extension should reflect what the landscape is because, unfortunately Mr. Carter's actions did cause damage to the Huron River Watershed and aquatic life.

Clerk Noble challenged Trustee Smith if there was proof of what she stated.

Trustee Smith stated she believes it.

Supervisor Kowall and Clerk Noble both indicated that Trustee Smith was speculating.

Clerk Noble clarified and asked Trustee Smith directly if she had proof of her allegations.

Trustee Smith stated she thinks so and referenced the planning packet.

Clerk Noble offered that thinking is not proof and again asked what proof exists for the allegations made.

Trustee Smith added clarification from Attorney Hamameh, that she was not making an allegation, but she believed the site work contributed to the damage. Her understanding was that Mr. Carter assumed the covenant. She agreed with Attorney Hamameh clarifying for the record that she was not saying that she knows in fact Mr. Carter did damage to the river. Trustee Smith agreed there was no factual basis.

Supervisor Kowall called the meeting to order and acknowledged Director O'Neil to speak.

Director O'Neil said a new lawn would be put in, along with Arborvitae, Gingko Trees, White Fir, White Maple, Japanese Maple, White Flowering Dogwood, American Boxwood, White Oak, and Lilac Bushes. The majority of the landscaping would be planted along M-59.

Supervisor Kowall asked Mr. O'Neil if the performance bond was for the entirety of the remaining items.

Director O'Neil confirmed, and added he believed the landscaping would be the only remaining item left three weeks from now.

Supervisor Kowall confirmed that currently they are moving forward, had been cooperative with the Township and are currently in compliance.

Director O'Neil agreed and stated there was no problem where the applicant is currently in the process. He thinks with more warm weather, they may even be able to complete.

Clerk Noble clarified with Director O'Neil if there was any communication from EGLE about the site work indicating we have contaminated water? Or if the applicant caused any damage to the Huron River Watershed.

Director O'Neil said he had received no communication from EGLE regarding the issue.

**It was MOVED by Treasurer Roman, supported by Clerk Noble to approve the six-month extension for the Carter's Plumbing performance guarantee bond. The motion carried with a roll call vote: (6 yes votes)
(Voorheis/yes, Roman/yes, Kowall/yes, Noble/yes, Smith/yes, Ruggles/yes).**

C. REQUEST TO APPROVE FIREWORKS APPLICATION - LAKELAND HIGH SCHOOL

Fire Chief Holland told the Board there were no objections from the Fire Department. He stated there is a required onsite inspection for compliance, which would occur the day of the display. Chief Holland confirmed there is no rain date scheduled.

It was MOVED by Treasurer Roman, seconded by Trustee Smith, to approve the Lakeland High School fireworks application. The motion carried with a voice vote: (6 yes votes).

D. RESOLUTION #23-037; TO APPROVE THE EMERGENCY OPERATIONS SUPPORT PLAN IN SUPPORT OF THE OAKLAND COUNTY EMERGENCY OPERATIONS PLAN

Chief Holland said the plan described the Township's participation in emergency situations in conjunction with Oakland County. The document was drastically changed from the prior version, and was given to the Board in advance for review. The plan was typically re-adopted every four years. Robert Seeley from Oakland County Emergency Management was also present.

Supervisor Kowall said in the past, the Township did not think much about emergency operations. Since the tornado in 2021, he became aware of how important it was to have a relationship with Oakland County. The Township was able to recuperate a lot of the funds used on overtime and clean up from the tornado. He believed the program was valuable, and Director O'Neil had also benefitted from additional emergency training.

Chief Holland said without the plan, the Township was not able to receive funding from the County for future emergencies. It was his intention to work with Oakland County to hold additional emergency training in the future.

Trustee Voorheis asked when the plan went into effect. Chief Holland said the plan would go into effect in November, and continue for four years.

It was MOVED by Trustee Ruggles, seconded by Clerk Noble to approve Resolution #23-037; To Approve the Emergency Operations Support Plan in Support of The Oakland County Emergency Operations Plan. The motion carried with a voice vote: (6 yes votes).

OLD BUSINESS

A. SECOND READING; AMENDMENT TO CHAPTER 18, ARTICLE II OF THE CODE OF ORDINANCES - FIRE PREVENTION AND PROTECTION - SECTION 110 UNSAFE BUILDINGS

Chief Holland said the amendment addressed an area the Fire Code didn't. The amendment would give the Department the ability to have surveillance on burned buildings and to ensure the process of remediating those buildings was accomplished.

It was MOVED by Trustee Voorheis, seconded by Trustee Smith to adopt the Amendment to Chapter 18, Article II of the Code of Ordinances - Fire Prevention and Protection - Section 110 Unsafe Buildings. The motion carried with a voice vote: (6 yes votes).

B. RESOLUTION #23-041; ACCEPTING OFFER TO PURCHASE SURPLUS TOWNSHIP PROPERTY PARCEL NUMBERS: 12-13-202-017 AND 12-13-202-018

Treasurer Roman said the Township received a cash offer with no inspection for Lots D & E for \$150,000. The real estate agent, Steve Stockton, recommended accepting the offer due to no other offers being made for the lots. If the offer was accepted, the Township would not only recoup the money spent on the total lots, but there would be a profit made.

Trustee Smith said one of the properties had the grinder station, and it was discussed to counter previously due to the value of the grinder station.

Treasurer Roman reiterated that Mr. Stockton said there was no interest in the parcels other than this offer, and he advised the Township to accept the offer.

It was MOVED by Treasurer Roman, seconded by Supervisor Kowall to approve Accepting Offer to Purchase Surplus Township Property Parcel Numbers: 12-13-202-017 And 12-13-202-018, and for the net proceeds go to the improvement Revolving Fund, and for the sale to include a warranty deed. The motion carried with a roll call vote: (6 yes votes) (Voorheis/yes, Smith/yes, Ruggles/yes, Noble/yes, Roman/yes, Kowall/yes).

The motion was AMENDED due to prior exclusion of the resolution number.

It was MOVED by Treasurer Roman, seconded by Supervisor Kowall to approve Resolution #23-041, Accepting Offer to Purchase Surplus Township Property Parcel Numbers: 12-13-202-017 And 12-13-202-018, and for the net proceeds go to the improvement Revolving Fund, and for the sale to include a warranty deed. (Noble/yes, Smith/yes, Ruggles/yes, Kowall/yes, Roman/yes, Voorheis/yes).

FYI

A. 9885 CEDAR ISLAND ROAD UPDATE

A motion for summary disposition was filed. The disposition outlined the law and provided photographs. There was a response to the motion, and Attorney Hamameh was working on a reply to the response. Oral argument was scheduled for November 1st.

B. CIVIC CENTER COMMITTEE UPDATE

The schematic design phase was completed, and now the Township was looking at the design development phase. A team of Township employees would be working on choosing furniture and fixtures.

Director O'Neil said even though the schematic design phase was done, modifications would still be made here and there. There would be more conversations in the upcoming months.

Supervisor Kowall said the final engineering was completed and submitted for the Elizabeth Lake Road project. The engineering included revisions proposed by the Oakland County Road Commission. Supervisor Kowall added that he was calling the Road Commission tomorrow for a status update on the permit. The contract would hopefully be out for bid for spring construction. It was requested that an early mass grade be completed for the Civic Center site.

CLOSED SESSION

- A. CLOSED SESSION TO CONSULT WITH LEGAL COUNSEL REGARDING TRIAL OR SETTLEMENT STRATEGY IN CONNECTION WITH BLACK ROCK WHITE LAKE v. WHITE LAKE ZBA, 6TH CIRCUIT COURT, CASE NO. 2023-200907-AA IN ACCORDANCE WITH MCL 15.268(1)(e)

The Board recessed into closed session to consult with legal counsel regarding trial or settlement strategy in connection with Black Rock White Lake V. White Lake ZBA, 6th Circuit Court, Case No. 2023-200907-AA in accordance With MCL 15.268(1)(E) at 7:56 P.M. There was a roll call vote: (6 yes votes)

(Kowall/yes, Noble/yes, Smith/yes, Ruggles/yes, Voorheis/yes, Roman/yes).

The Board returned from closed session at 8:04 P.M.

It was MOVED by Supervisor Kowall, seconded by Clerk Noble to return into open session. The motion carried with a voice vote: (6 yes votes).

It was MOVED by Trustee Smith, seconded by Supervisor Kowall to authorize the Supervisor and Township Attorney to modify section A3 consistent with the discussion and to authorize entry of the judgment. The motion carried with a roll call vote: (6 yes votes).

(Kowall/yes, Voorheis/yes, Roman/yes, Smith/yes, Ruggles/yes, Noble/yes).

TRUSTEE COMMENTS

Treasurer Roman thanked the students and public in attendance this evening.

Clerk Noble thanked the students in attendance, and thanked his staff for working diligently for the Township.

Trustee Voorheis thanked her fellow coworkers for wearing pink tonight in honor of Breast Cancer Awareness. She provided statistical information for diagnoses in men.

Trustee Smith stated Trunk or Treat would be this Saturday from 6:00 P.M.- 8:00 P.M. at Fisk Farm. She said Breast Cancer Awareness was near and dear to her heart, and encourages women over 40 to get their mammograms. She noted that breast cancer affected pets as well, and encourages the public to perform mammary exams on their pets at home. She wished everyone a safe and happy Halloween. She said her heart was with Israel and the American soldiers.

Trustee Ruggles said the Oakland Harvesters site plan extension and a Master Plan update was on the Planning Commission agenda for this Thursday. Happy Halloween and Happy Birthday to his wife.

Supervisor Kowall said cancer affects more people than what we all realize. Men must be aware of prostate cancer. Supervisor Kowall said he had great concerns for the Jewish and Palestinians persons in that region, and only hopes that cooler heads prevail and this is resolved. He gave his thoughts and

prayers. Next year would be a very busy year within the Township in regards to moving the Township forward.

ADJOURNMENT

It was MOVED by Supervisor Kowall, seconded by Treasurer Roman to adjourn at 8:13 P.M. The motion carried with a voice vote: (6 yes votes).

Rik Kowall, Supervisor
Charter Township of White Lake

Anthony L. Noble, Clerk
Charter Township of White Lake

DRAFT